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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 17456.8.2

ADOLFSON, et al.

Application No.: 10/034,932

Examiner: McDermott, K.

Filed: October 25, 2001

Group Art Unit: 3635

For: CONSTRUCTION ENCLOSURE SYSTEM

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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GROUP 3600

Dear Sir:

This Response is filed in connection with the Office Action mailed April 15, 2003 (Paper No. 5) in the above-reference application. The unextended deadline for responding to this Office Action is May 15, 2003. The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

I. Claims 1-33, 35, and 36, stated by the Examiner as being drawn to a framework for a construction enclosure system and a construction enclosure system; or

II. Claims 11-14, stated by the Examiner as being drawn to a plurality of brackets.

In response to the restriction requirement, Applicants, through their attorney, provisionally elect the invention of Group I (claims 1-33, 35, and 36) with traverse.

The claims of Groups I and II meet the requirements for consideration in a single application, *inter alia*, in that they each relate to (e.g., are adapted for use with or include) frame members for a construction enclosure system. Further, Applicants traverse the restriction

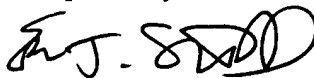
requirement on the grounds that no serious burden on the Examiner exists. If the search and examination of an entire application can be made without serious burden, it must be examined on the merits even though it includes claims directed to distinct or independent invention. M.P.E.P. § 803. The subject matter of Groups I and II are believed sufficiently related that a thorough search for the subject matter of either group would encompass a search for the subject matter of both groups. To avoid duplicative examination by the Patent Office and unnecessary delay and expense to Applicants, Applicants respectfully request examination on the merits of all the claims, not just those of Group I.

Furthermore, Applicants submit that if a determination of an allowable generic claim is issued, claims that are written in dependant form or otherwise include all the limitations of the allowed generic claim should be considered. M.P.E.P. § 809.02(c). Therefore, Applicants respectfully request that the Examiner consider rejoining the claim of Group II and the claims of Group I upon a finding of allowability of the claims of Group I.

The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910. A duplicate copy of this sheet is enclosed.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 14, 2003
Date of Deposit

Sandra J. Messer
Sandra J. Messer

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